



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,320	06/20/2003	Charles A. Tulipana	32328	6079
7590	10/13/2006			EXAMINER - CHIN, RANDALL E
HOVEY WILLIAMS LLP Suite 400 2405 Grand Kansas City, MO 64108			ART UNIT 1744	PAPER NUMBER

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/600,320	TULIPANA, CHARLES A.	
	Examiner	Art Unit	
	Randall Chin	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10072003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-29, in the reply filed on 01 September 2006 is acknowledged.

Information Disclosure Statement

2. In the IDS filed 07 October 2003, it appears the single cited U.S. document number is incorrect. Accordingly, the IDS has not been considered.

Claim Objections

3. Claims 10 and 18 are objected to because of the following informalities:
Claim 10, lines 1-2, "socket end an opposite cylinder end" should be corrected.
Claim 18, line 2, "said presenting" should be corrected.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 5, 7, 9, 10, 12-21 and 23-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller 5,307,534 (hereinafter Miller).

With respect to claim 1, the patent to Miller discloses a pipe-cleaning bit for cleaning the inner circumferential surface of the end of a pipe (Fig. 1) when used in a power driver including at least one rotatable chuck or socket 15, said bit comprising a shaft 22 presenting a rotational axis and being operable to removably couple with the socket, and a brush fixed relative to the shaft and including a plurality of bristles 21, at least some of which extend radially outward from the rotational axis (col. 3, lines 50-52; Fig. 5), for cleaning the inner circumferential surface of the end of the pipe when the shaft is rotated.

As for claim 2, said shaft 22 presents a socket end and an opposite brush end spaced from the socket end (Fig. 5), said socket end including at least a portion thereof configured to be received in the socket.

As for claim 4, the brush includes a "mandrel" (i.e., the end of the shaft 22 in Fig. 5), the plurality of bristles being fixed relative to the mandrel and extending therefrom (col. 3, lines 50-52).

As for claim 5, the mandrel is deemed generally coaxial with the rotational axis.

As for claim 7, the plurality of bristles are formed of wire (col. 3, lines 42-43).

As for claim 9, the patent to Miller discloses a pipe-cleaning bit for cleaning the outside circumferential surface of the end of the pipe when used in a power driver (Fig. 1) including at least one rotatable chuck or socket 15, said bit comprising a shaft 19 operable to removably couple with the socket, a housing or cylinder 16 fixed relative to

the shaft, and a plurality of bristles 17 fixed relative to the cylinder, at least some of which extend radially inward relative to the cylinder (Fig. 4), for cleaning the outside circumferential surface of the end of the pipe when the shaft is rotated.

As for claim 10, said shaft 19 presenting a socket end and an opposite cylinder end spaced from the socket end (Fig. 4), said socket end including at least a portion thereof configured to be received in the socket.

As for claim 12, said cylinder includes a closed end adjacent the shaft and an open end opposite the closed end and spaced from the closed end, said plurality of bristles 17 being located between the closed and open ends (Fig. 4).

As for claim 13, said cylinder presents an inner circumferential surface extending between the closed and open ends, said plurality of bristles 17 being fixed relative to the inner circumferential surface and extending therefrom (Fig. 4).

As for claim 14, said shaft 19 presents a rotational axis, said inner circumferential surface being spaced from said rotational axis, said plurality of bristles extending from the inner circumferential surface toward said rotational axis (Fig. 4).

As for claim 15, the plurality of bristles are formed of wire (col. 3, lines 42-43).

As for claim 16, said plurality of bristles is deemed to present an inner circumferential margin that is undersized relative to the outer circumferential surface of the end of a pipe, that is appropriately suited, so that when the plurality of bristles are inserted into the end of the pipe the inner circumferential margin engages the outer circumferential surface of the end of the pipe. It should be noted that such a recitation is

of no patentable moment since the "pipe" or "outer circumferential surface of the end of a pipe" are not being positively claimed and are not a part of the pipe cleaning bit.

As for claim 17, the patent to Miller teaches a double-ended driver (Figs. 1 and 2) for selectively rotating at least a first and a second bit 13, 14 (Figs. 4 and 5), said driver comprising housing 10, a first chuck or socket 15 rotatably supported on the housing and operable to removably receive the first bit, a second chuck or socket 15 rotatably supported on the housing and being spaced from the first socket and operable to removably receive the second bit, and a motorized power source 23, 27 (Fig. 7; col. 3, lines 56-62) at least partially contained within the housing and being in power communication with the first and second sockets for selectively rotating the sockets.

As for claim 18, said housing being generally tubular shaped and sized to fit in the hand of a user, said housing presenting a center rotational axis (Fig. 1).

As for claim 19, said housing presents axially opposite first and second ends, said first socket being supported adjacent the first end for rotation about the rotational axis.

As for claim 20, said second socket being adjacent the second end for rotation about the rotational axis.

As for claim 21, said first and second sockets each including a chucking mechanism 15, 15 for adjustably securing a bit received in the socket.

As for claim 23, said motorized power source 23, 27 (Fig. 7) is self-contained within the housing.

As for claim 24, said motorized power source includes a battery 27.

As for claim 25, Miller teaches in a power driver (Figs. 1 and 2), a pipe-cleaning bit for cleaning the end of a pipe, the bit (Figs. 4 or 5) comprising a shaft 19 or 22 rotatable about a rotational axis, and a plurality of bristles 17 or 21 fixed relative to the shaft and operable to clean the end of the pipe when the shaft is rotated.

As for claim 26, said bit (Figs. 4 or 5) is removably received in the power driver.

As for claim 27, said plurality of bristles 21 is fixed adjacent the rotational axis and extending therefrom so as to be operable to clean the inside of the pipe when the shaft is rotated.

As for claim 28, said plurality of bristles 17 is fixed at a location that is spaced from the rotational axis and extending therefrom toward the rotational axis so as to be operable to clean the outside of the pipe when the shaft is rotated.

As for claim 29, as already set forth, the patent to Miller discloses a tool 10 (Figs. 1 and 2) for cleaning the inside and outside circumferential surfaces of the end of a pipe, said tool comprising a driver including a first chuck or socket 15, a second chuck or socket 15 spaced from the first socket, and a motorized power source 23, 27 (Fig. 7) in power communication with the first and second sockets for selectively rotating the sockets, an inner pipe-cleaning bit 13 (Fig. 5) removably coupled to the first socket and being operable to clean the inside circumferential surface of the end of the pipe when the first socket is rotated, and an outer pipe-cleaning bit 14 (Fig. 4) removably coupled to the second socket and being operable to clean the outside circumferential surface of the end of the pipe when the second socket is rotated.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 6, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Cox, Jr. 4,899,409 (hereinafter Cox, Jr.).

The patent to Miller discloses all of the recited subject matter as set forth above with the exception of said at least a portion of the socket end defining a hexagonal cross section and the plurality of bristles being arranged around the mandrel in a coiled configuration. The patent to Cox, Jr. discloses a portion of a brush socket end 9 (Fig. 2; col. 2, lines 36-41) defining a hexagonal cross section and teaches a plurality of bristles being arranged around the mandrel in a coiled configuration (Fig. 2). It would have been obvious to one of ordinary skill in the art to have modified Miller's socket end such that it is of hexagonal cross section to prevent relative rotatable movement between the socket and the shaft as well as to have arranged the bristles around the mandrel in a coiled configuration to improve the cleaning of the inner circumferential surface of the end of the pipe when rotating all as taught by Cox, Jr.

As for claim 8, said coiled configuration of the plurality of bristles is deemed to present an outer circumferential margin that is oversized relative to the inner circumferential surface of the end of a pipe, that is appropriately suited, so that when the plurality of bristles are inserted into the end of the pipe the outside circumferential

margin engages the inner circumferential surface of the end of the pipe. It should be noted that such a recitation is of no patentable moment since the "pipe" or "inner circumferential surface of the end of a pipe" are not being positively claimed and are not a part of the pipe cleaning bit.

Claim 11 is similarly rejected as above.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Cathcart 5,974,612 (hereinafter Cathcart).

The patent to Miller discloses all of the recited subject matter as set forth above with the exception of said first and second sockets being independently and reversibly rotatable. The patent to Cathcart discloses that oppositely driven cleaning tools 36, 38 can be driven independently at 26, 28 (col. 2, lines 43-50; Fig. 2). It would have been obvious to one of ordinary skill in the art to have modified Miller's device such that said first and second sockets are independently rotatable as taught by Cathcart since such a drive arrangement is old and well known in the electrically-powered hand tool art for the purpose of avoiding driving an oppositely situated tool which is not in use. It is the Examiner's position that providing for a reversible driven feature on Miller's device is an obvious modification since such reversible feature is also old and well known for adding versatility to the driver.

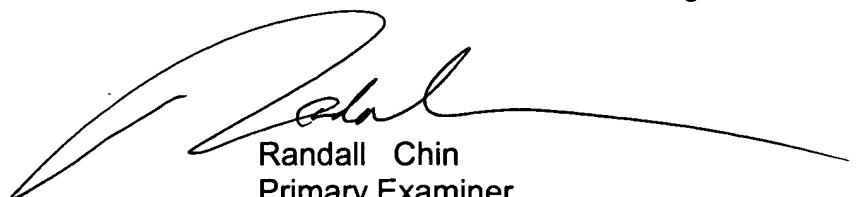
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Yehia, Hobbs, Ruggero, DiBiagio, Karls, White, and Greene are relevant to various pipe cleaning tools.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Randall Chin
Primary Examiner
Art Unit 1744